

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84026 of 2023

Arising Out of PS. Case No.-223 Year-2022 Thana- BAHADURPUR District- Darbhanga

Guddu Kumar @ Guddu Paswan, son of Kirat Paswan, resident of village-
Baluahi, P.S.. Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-01-2024 Heard Mr. Iqbal Asif Niazi, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 223 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354, 504, 506 of the Indian Penal Code.

3. Allegedly, while the informant was removing soil from his land, which is said to have been forcibly kept in the land of the petitioner, objection has been raised by the accused persons. Whereupon, all the F.I.R. named accused persons variously armed came there and started abusing. On exhortation made by co-accused Shiv Kumar Paswan, the petitioner assaulted the informant by means of *Farsa* over his head, due to which he fell down and thereafter all the accused persons



brutally assaulted him. Further allegation has been levelled against all other accused persons of assault and snatching of valuables. The petitioner and co-accused Ram Kumar Paswan also indecently behaved with the wife of the informant.

4. It is submitted on behalf of the petitioner that from the narratives of the F.I.R., the occurrence is alleged to have taken place on 23.05.2022, however, the present F.I.R. has been lodged on 30.05.2022, after a delay of seven days without there being any explanation. Moreover, the injury report does not corroborate the allegation, inasmuch, as the same has been found to be simple in nature. Further submission has been made that other co-accused persons, more or less having similar allegation, have been allowed the privilege of anticipatory bail in Cr. Misc. No. 51875 of 2023 and other analogous cases, vide order dated 25.08.2023. He lastly submits that there is a counter version of the present case, bearing Bahadurpur P.S. Case No. 224 of 2022, instituted by co-accused Shiv Kumar Paswan and the petitioner bears fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner of causing assault to the informant.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., coupled with the simple nature of injury and the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 223 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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